

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

TIMOTHY A. WILSON,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-11-778-C
)	
JAMES RUDEK, et al.,)	
)	
Defendants.)	

ORDER AFFIRMING REPORT AND RECOMMENDATION

This civil rights action brought by a state prisoner, proceeding pro se, was referred to United States Magistrate Judge Doyle W. Argo, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Argo entered a Report and Recommendation (“R&R”) on March 15, 2012, to which no party has timely objected. The Court therefore considers the matter de novo.

For the reasons set forth in the R&R of the Magistrate Judge, judgment is granted in favor of Defendants Rudek, Williams, and McCollum on Plaintiff’s Eighth Amendment claim; Plaintiff’s retaliation claim against these Defendants is dismissed without prejudice; Plaintiff’s cross-motion for summary judgment is denied; Plaintiff’s claims against all Defendants in their official capacities are dismissed with prejudice; Plaintiff’s retaliation and Eighth Amendment claim against Defendants Walls and Green in their individual capacities

are dismissed without prejudice. A judgment will enter at the conclusion of the case. The matter is recommitted to Judge Argo for consideration of Plaintiff's Motion to Amend.

IT IS SO ORDERED this 17th day of April, 2012.



ROBIN J. CAUTHRON
United States District Judge